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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 April 1996, at 6 p.m.

Chairman:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)
later:	Mr. MBA ALLO (Vice-Chairman)	(Gabon)

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In the absence of Mr. Vergne Saboia (Brazil), Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair

The meeting was called to order at 6 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42, 43, 44, 45 and Add. 1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add. 1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137, 148 and 156; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64 and 75; A/50/332 and 685; A/CONF.177/20; E/CN.4/1995/48 and E/CN.6/1996/11) (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/11, 14 and Add.1, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136 and 138; E/CN.4/1996/NGO/38)

1. Mr. SHIMOJI (World Peace Council) said that although three regional Workshops had been held on human rights issues in the Asian and Pacific region, the Commission had never discussed the violation of human rights in Okinawa, where large United States military bases had disrupted the people's daily life for 50 years and caused severe pollution. Since the bases occupied land which Okinawans needed for their own economic development and United States military personnel had committed a number of serious crimes, he appealed to the Japanese and United States Governments to reach agreement on reducing the number of such bases and urged that the special regional workshop to be held in Okinawa should investigate infringements of human rights in Okinawa.

2. Mr. Mba Allo (Gabon) took the Chair.

3. Ms. ZHANG Qingfang (All China Women's Federation), asked Governments and the international community to focus more attention on women's rights. While their status had greatly improved during the twentieth century, women were still subject to discrimination and maltreatment. Their health was threatened in very poor areas and many obstacles hampered their participation in social life. The root causes of those problems lay in inequality between countries, an unjust international order and war. Efforts to achieve universal peace and prosperity would therefore help to promote women's human rights.

4. Poverty was the worst obstacle to women's enjoyment of human rights and since efforts to eradicate it had been inadequate, she appealed to all Governments and the international community to take more effective action in that respect.

5. Violence against women was a barbarous act, and ought to be strongly condemned by society as a whole, as it destroyed the physical and mental health of its victims. She therefore called on the Japanese Government to take practical steps to resolve the issue of "comfort women".

6. While she welcomed the Platform for Action adopted at the United Nations Fourth World Conference on Women in Beijing, deeds, not words, were what was most needed. Her organization would continue its cooperation with non-governmental organizations (NGOs) and the international community in order to induce Governments to respect and protect the human rights of women.

7. Mr. WARIKOO (Himalayan Research and Cultural Foundation) said he appreciated the Commission's efforts to tackle the vital issue of mass exoduses and displaced persons, and especially its resolution 1995/57.

8. As a Kashmiri, he drew attention to the plight of more than 400,000 Muslims, Hindus and Sikhs who had been driven from their homes in the Valley of Kashmir by terrorists and mercenaries and forced to live in exile for more than six years. Their houses and orchards had been destroyed to prevent their return and their cultural and religious heritage sacked.

9. The displaced Kashmiris living in camps in Kashmir and India had been traumatized physically and mentally by the effects of terrorism. The future was bleak and their health was failing on account of lack of housing, sanitation and health care.

10. The Foundation therefore appealed to the conscience of the world and called for a more effective response from the Commission and international community to enable Kashmiris to return home in safety and dignity.

11. Ms. SULLIVAN (International Human Rights Law Group) welcomed the second report of the Special Rapporteur on violence against women, but considered that the inclusion of gender-specific information and analysis in the work of all special rapporteurs and working groups was essential if progress was to be made in protecting the human rights of women.

12. Not all reports before the Commission had placed sufficient emphasis on the abuse of those rights, but she commended the Special Rapporteurs on internally displaced persons and on Cambodia for their pertinent and well-balanced reports which contained a number of useful recommendations.

13. In emphasizing that women's rights had to be better understood she noted, for example, that the Special Rapporteur on racism had failed to recognize that sterilization of black women in Brazil was a violation of their reproductive health.

14. Moreover, international human rights norms should be made universally applicable to women's rights, and dress codes and concepts of women's equality should not be dealt with under the heading of religious norms, as had been suggested by the Special Rapporteur on Iran. Similarly, although the Special Rapporteur on religious intolerance had highlighted certain instances of religious discrimination, he had failed to point out that they sometimes amounted to gender discrimination.

15. Her organization called for the training of the staff of the Centre for Human Rights, cooperation between the Centre and United Nations programmes or bodies with expert knowledge of women's rights and consultation among special rapporteurs and working groups.

16. The Reverend HEE SOON KWON (World Council of Churches) said that the Council fully supported the report submitted by the Special Rapporteur on violence against women (E/CN.4/1996/53/Add.1 and Corr.1), and noted that many NGOs had been trying to publicize and thereby help to resolve the issue of military sexual slavery. In response to their efforts, Japan had finally acknowledged the existence of the practice and had set up a private "Asian Women's Fund" to which, however, the Council opposed because it shifted the Government's past responsibility for human rights violations to the Japanese people and because Japan had rejected the suggestion that it should seek international arbitration in the matter.

17. The Council therefore requested the Commission to adopt a strong resolution endorsing the Special Rapporteur's report, urging Japan to set up a fact-finding body and pay reparations, recommending that the Economic and Social Council should refer the case to the International Court of Justice if Japan failed to act and asking the Special Rapporteur to follow up her report.

18. Mr. GREENALL (International League for the Rights and Liberation of Peoples) said that the League was alarmed at continued reports of human rights violations in Karachi, which were apparently due to religious and ethnic divisions between Mohajirs and natives of Sindh province. The security forces had allegedly carried out arbitrary arrests, torture and extrajudicial executions, although it was well known that dialogue, not violence, was the only way to quell terrorism. He therefore asked for reassurances from the Government of Pakistan that everything was being done to resolve the causes of internal armed conflict.

19. Referring to agenda item 17, he noted that impunity and the Macoutes were hampering the constitutional Government's efforts to restore democracy in Haiti, and that the problem was exacerbated by failure to disarm former members of the armed forces, police and paramilitary groups.

20. Moreover, the international community had not given enough support to the Haitian authorities in their attempts to punish human rights violations under the previous regime, and some foreign countries were even harbouring former torturers. His League was therefore of the view that the Programme of Technical Cooperation with Haiti had to concentrate on improving its ability to resolve the problem of impunity and formulating a policy for the recruitment of civil and public servants who had not been responsible for human rights abuses.

21. Mr. BANDAY (Muslim World League) observed that, over a period of 49 years, the Indian army's reign of terror had forced millions of Kashmiris to flee to other countries or become internally displaced persons whose homes had been deliberately destroyed. They had suffered almost unimaginable mental anguish and were still denied the right to return home in dignity and safety.

22. Indian propaganda had always tried to depict the Kashmiri freedom struggle as a manifestation of extremism. It had been consistently alleged that the majority community of Kashmiris had forced the minority to leave. That was completely untrue and, despite India's efforts to sow discord between Muslims and non-Muslims, Muslims, Hindus and Sikhs still lived in harmony in Kashmir, as they had done for centuries. He called upon all Kashmiris to return home and appealed to the Commission to urge the Indian Government to put an end to its human rights violations in Kashmir.

23. Mr. Majeed KHAN (International Institute for Peace) noted that a tribal attack from Pakistan had led to the division of Kashmir in 1947, as a result of which millions of displaced persons had since lived as refugees in either Indian-held or Pakistani-held Kashmir.

24. The Commission should, in his opinion, turn its immediate attention to a new situation in Pakistani-held Kashmir, where the Government of Pakistan was settling alien Afghans in flagrant violation of the fundamental human rights of the Kashmiri people. The process was causing considerable tension which might lead to a fresh exodus, but unfortunately the Government of Pakistan was preventing Kashmiris from stating their views before the Commission; he himself had been subject to harassment and intimidation and two of his colleagues had been taken off the plane and arrested in Karachi.

25. His organization therefore urged the Commission to bring pressure to bear on both Pakistan and India to put an end to such gross violations of human rights and to the illegal settlement of aliens in Kashmir, and to do its utmost to enable displaced persons to return home.

26. Mr. SHUKOORI (Afro-Asian Peoples' Solidarity Organization) said that, according to reliable statistics, Afghanistan had suffered more from war and armed conflict than any other country since the Second World War. Millions had been killed, maimed and displaced and the entire country had been turned into a minefield. Clandestine operations by foreign States, particularly Pakistan, were essentially designed to destabilize the country. In western Afghanistan educational establishments had been closed down, and women were confined to their homes and barred even from attending school. There were some 4 million Afghan refugees worldwide, the majority in neighbouring countries and a large proportion without any means of subsistence.

27. The enemies of Afghanistan rejected all peace plans. They were bent on enslaving the Afghan people, keeping them in a state of abject poverty and depriving them of even the most basic human rights. The United Nations system and the international community had a moral obligation to help Afghanistan to end foreign intervention and to begin a process of rehabilitation that would permit Afghan refugees to return safely to their homeland.

28. Mr. ESHGHI (Movement against Racism and for Friendship among Peoples) said that his wife, Zahra Rajabi, a member of the National Council of Resistance of Iran who had led a humanitarian delegation to Turkey in February 1996 to address the plight of Iranian refugees, had been murdered in Istanbul by gunmen dispatched by the Islamic Republic of Iran. Nine Iranian dissidents had been assassinated abroad since the beginning of the year. In most cases the Iranian regime was responsible and some of the victims had been brutally tortured before being killed. Turkey had recently expelled four Iranian diplomats for terrorist activities and the German judiciary had issued a warrant for the arrest of the Iranian Minister of Intelligence for his involvement in the assassination of four Iranian Kurds in Berlin.

29. The Commission's reaction to Iranian State terrorism abroad had been inadequate to date. It was high time to refer the case to the Security Council for punitive measures.

30. Ms. FARHI (International Council of Jewish Women), speaking on behalf of 32 NGOs*, said she was keenly disappointed at the failure of the open-ended working group convened pursuant to decision 1994/111 to reach a consensus on the reclustering of the Commission's agenda for the fifty-first session in accordance with the proposal contained in annex I to document E/CN.4/1994/127. The absence of the political will to achieve a consensus on reform of the existing agenda, which was overcrowded and outdated, seriously affected the credibility of the Commission on Human Rights. The NGOs that had taken part in the discussions had been particularly distressed to note the intransigence of the representatives of certain States.

31. The NGOs associated with her statement urged the Chairman of the current session to reconvene the open-ended working group in order to discuss a restructured provisional agenda for the fifty-third session, organizational matters relating thereto and a preliminary inventory of other reforms based on the annex to the report of the Chairman of the working group (E/CN.4/1995/17). They further advocated abandonment of the practice of consensus in favour of decision-making by a two-thirds or simple majority. Without prejudice to the recommendation regarding the reclustering of the agenda, they proposed that priority over all other substantive agenda items should be given to items dealt with by the Commission in special sessions pursuant to its resolution 1994/96 of 11 March 1993 and Economic and Social Council resolution 1990/48 of 25 May 1990.

32. Mr. TRAMBOO (International Human Rights Association of American Minorities), referring to the report of the High Commissioner for Human Rights on implementation of the Plan of Action for the United Nations Decade for Human Rights Education (E/CN.4/1996/51), said that the goals of the Plan could best be achieved through the development and dissemination of materials and methodologies for human rights education and through use of the media to promote awareness of human rights standards and mechanisms. Implementation of the Plan was particularly important in countries where there were massive

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* A list of the non-governmental organizations concerned is annexed to this summary record.

violations of human rights. In particular, the abuses perpetrated by the Indian armed forces in Jammu and Kashmir indicated that the Indian administration and its agencies were in dire need of human rights education.

33. Turning to the report of the Special Rapporteur on violence against women (E/CN.4/1996/53), he said that the behaviour of the Indian armed and paramilitary forces in Jammu and Kashmir, as evidenced in confirmed reports of molestation, rape and gang rape, was a classic example of State-oriented violence against women. He urged the Special Rapporteur to investigate such violence, wherever it occurred, and to report her findings to the Commission.

34. While welcoming the Secretary-General's report on human rights and mass exoduses (E/CN.4/1996/42), he was disappointed to note the absence of a reference to the mass exodus and displacement of almost half a million people in Jammu and Kashmir in recent years as a result of indiscriminate attacks by the Indian armed and paramilitary forces on civilians. He urged the Commission to set up a special committee to investigate such practices.

35. Mr. MATAS (Coordinating Board of Jewish Organizations) drew attention to a gap in the United Nations system of State reporting on compliance with the 1951 Convention relating to the Status of Refugees. Under article 35 (2) of the Convention, States parties were required to submit a report to the United Nations High Commissioner for Refugees (UNHCR) but most of them had failed to do so. Reminders contained in the 1989 and 1995 conclusions of the Executive Committee of the UNHCR Programme had also been largely ignored. He urged the Commission to encourage the development of a State reporting mechanism by adopting a resolution calling on States parties to the 1951 Convention to fulfil their reporting requirements and requesting the High Commissioner for Human Rights to submit to the Commission an updated report of the Secretary-General on mass exoduses incorporating a summary of the information provided to UNHCR by States parties to the Convention relating to the Status of Refugees.

36. Ms. BACKMAN (International Council of AIDS Service Organizations) expressed frustration at the failure of the Commission to pay adequate attention to the issue of HIV/AIDS. The problem was particularly acute among mobile populations of migrants, immigrants and refugees, who often had no access to information, health care or support. Owing to bureaucracy and discrimination, migrants infected with HIV were frequently deprived of the authorization they required to receive treatment. Some States, such as the United States of America, banned such persons from entering the country. Others conducted mandatory testing of groups considered to be "high risk". Her organization believed that a just travel and immigration policy should not exclude people because of their HIV status. It was more effective, in terms of protecting both local populations and migrants, to provide comprehensive care and prevention programmes, including culturally sensitive HIV/AIDS education and information in all languages. NGOs should be given adequate resources to assist in the implementation of such programmes.

37. She urged the Commission to promote awareness that education for more responsible behaviour was the only answer to HIV/AIDS and that discriminatory policies merely perpetuated the stigma and fostered a conspiracy of silence.

38. Ms. MILLI (International Association against Torture) said that 200,000 women, the majority Korean, had been forcefully recruited as "military sex slaves" by the Japanese army during the Second World War. The surviving women demanded that the Japanese Government should issue individual apologies, recognize that systematic recruitment for sexual slavery had taken place and that it constituted a crime against humanity, acknowledge moral and legal responsibility for such crimes and pay reparations to individual victims from government funds. They further demanded the prosecution under Japanese domestic law of all persons involved in recruitment for military rape and its institutionalization, involvement of the International Court of Justice or the Permanent Court of Arbitration, a thorough investigation of the facts and amendment of Japanese history books and educational curricula. By taking such steps, the Japanese Government would be setting an example to other developed countries that had failed to provide just compensation for unacknowledged but historically documented violations of human rights.

39. Her organization joined other NGOs in calling on the Commission to support resolution 1995/14 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

40. Mrs. SALES (International Indian Treaty Council) commended the Commission's work on behalf of Guatemala, particularly the contribution of the Independent Expert, and the role of the United Nations Mission for Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA).

41. The Commission's resolution should be based on the recommendations of the Independent Expert and MINUGUA, particularly regarding the trial of members of the army charged with common crimes and human rights violations by civilian rather than military courts. Moreover, the mandate of the Independent Expert should be extended. Lastly, her organization felt that it was premature to place the case of Guatemala under the agenda item on advisory services inasmuch as the new Government, whatever its good intentions, would be under strong pressure to maintain the status quo.

42. Mr. WOLDE-MARIAM (International Movement for Fraternal Union Among Races and Peoples) said his organization had been inspired by the report of the Secretary-General (A/50/332) which described the fundamental objectives of the democratic process, and considered that if those objectives were to be achieved independent institutions had to be established and their role in promoting civil society strengthened. For that reason he drew attention to the difficulties being encountered by the Ethiopian Human Rights Council, for in spite of the care with which the Council had conducted its investigations, the Government had refused to register it, blocked its account and constantly vilified it. Moreover, certain western Governments had collaborated with the regime to weaken the Council by insisting that it should drop its objectives relating to the democratic process and the rule of law.

43. The regime had also effectively incapacitated the Confederation of Ethiopian Trade Unions, the Ethiopian Teachers' Association, the Ethiopian University Teachers' Association and the University itself, in violation of constitutional provisions. A major problem was the lack of implementation of the law and failure to institute the rule of law. The persecution of

political opponents, independent journalists, leaders of trade unions and professional associations was a fact of life in Ethiopia. Habeas corpus had been suspended in Ethiopia for more than three years, and over a period of nearly five years none of the perpetrators of human rights violations had been brought to justice.

44. His organization, which believed that serious ethnic, religious and political tensions were mounting, hoped that the international community would act before those tensions culminated in further bloodshed and suffering and called on the Commission and the High Commissioner for Human Rights to investigate the situation in Ethiopia.

45. Mr. ARNOTT (World Conference on Religion and Peace) referring to the adverse human rights implications of tourism, said that it was used by some Governments to justify the confiscation of land and the forced relocation of inhabitants - particularly in Myanmar - or to coerce people into unpaid labour. It was a major vector of cultural globalization which transferred values from the North to the South and threatened cultural identity by competing with local values. Endogenous economic development was hampered by exposure to the global marketplace and the long-term environmental impact of tourism on the natural resources of a country were considerable.

46. His organization therefore suggested that the Commission should convene an open-ended working group to study the human rights dimensions of Third World tourism. In addition to holding consultations with the United Nations Educational, Scientific and Cultural Organization and the World Commission on Culture and Development, it should raise human rights issues with the World Tourism Organization to determine the best way of implementing and strengthening established norms.

47. Mr. SAFI (International Islamic Federation of Student Organizations), referring to the report of the Secretary-General on Human Rights, Mass Exoduses and Displaced Persons (E/CN.4/1996/42), drew attention to the plight of more than 2 million displaced Kashmiri civilians.

48. In 1993 and 1994 his organization had visited several refugee camps in Azad Kashmir to document the reasons why so many civilians had fled their homeland, and the persons interviewed had related their experiences of terrible torture, rape and other human rights abuses by Indian forces.

49. He therefore urged the Commission on Human Rights to take the strongest possible action as quickly as possible to halt those atrocities and thereby alleviate the suffering of the Kashmiri people.

50. Ms. GARSTANG (Liberation) was of the view that not enough was being done to protect emerging regional NGOs or to train and encourage them to report coherently to the Centre for Human Rights and attend the meetings of the Commission. Although their views did not always concur, those NGOs were dependent on international NGOs. The handling of issues requiring urgent attention was often delayed, to the detriment of the victims. Liberation therefore urged the Commission to modify its restrictive criteria and consider granting temporary accreditation to regional NGOs to enable them to speak on selected agenda items so as to facilitate the flow of information on abuses and issues to the Centre and to the Commission on Human Rights.

51. The Centre was trying to deal with the increasing workload created by the escalation of human rights abuses but States were developing more and more sophisticated ways of averting criticism, and she pointed out that efforts to improve compliance with international commitments were compromised if States ratified instruments that were not based on their understanding and interpretation of human rights. She therefore proposed the establishment of a comprehensive consultation process to ascertain such understanding.

52. NGOs were also concerned that structural developments in the field of human rights were subverted by States to their own advantage. One glaring example of conflicting interests was the Indian National Commission on Human Rights, which did not enjoy the confidence of NGOs working on human rights issues because the very offices accused of enacting and promoting abusive policies were also responsible for appointing the members of the National Commission. The Indonesian counterpart, headed by the Director General of Correctional Services, was another case in point.

53. Liberation therefore wished to impress upon the Commission on Human Rights the need to consider certain standards of reference in respect of the functions of and the appointees to national commissions.

54. Ms. DE WEICHS (Society for Threatened Peoples) said that the people of Abkhazia had been deprived of the right to travel to any country outside the Commonwealth of Independent States or to engage in business or trade. In that way Russia was trying to intimidate Abkhazia in order to place it under Georgian control in exchange for Russian military bases in Georgia.

55. Referring to agenda item 9 (d), she retraced developments leading to the flight of vast numbers of Ingush people from North Ossetia to neighbouring Ingushetia, where they lived in deplorable conditions. The only solution to the problem was for the Russian Government to arrange the repatriation of the displaced Ingush, and to guarantee their safety.

56. Noting that the Crimean Tatars, who had been deported from their ancestral lands earlier in the century, had been able to return to their homeland only in 1987, she expressed the hope that the Commission would study the question of the restitution of their property as well as similar cases and develop an international standard on the rights of victims of deportation.

57. Referring to violations of the rights of Tibetan refugees by the Chinese and Nepalese Governments, she said that Tibetan refugees in Nepal were being returned to Tibet to face torture, imprisonment and denial of their economic and political rights. The gravity of the situation had been acknowledged in the report of the Special Rapporteur on the Question of Torture (E/CN.4/1996/35/Add.1). Tibetan women and girls had also been victims of violence, torture and cruel treatment in Chinese prisons, and were being forced to submit to "family planning" programmes.

58. Mr. WANI (World Muslim Congress) said he had personally witnessed the brutalities carried out in Jammu and Kashmir where tens of thousands of persons had been killed, raped, detained, tortured and extrajudicially

executed, and noted that various international human rights organizations had informed the international community of the suffering of Kashmiri people at the hands of Indian forces over the previous seven years.

59. Large numbers of persons had been displaced as long ago as 1947 and the process had continued since then, but although the descendants of those persons yearned to return to their homeland, implementation of a law for the resettlement of displaced persons was being blocked by the Government of India.

60. When the world community had appealed to India to allow Amnesty International and other international organizations to visit Kashmir, the Government had established an ineffective National Human Rights Commission which had visited the region only once during the previous seven years. His organization did not recognize that National Commission as an impartial, independent body, and was of the opinion that it was created to thwart the entry of the human rights organizations into Kashmir and to deflect international censure and scrutiny.

61. Ms. BRANTLEY (Transnational Radical Party) observed that the promotion of political will, the development of civil society and transparency as essential elements of democracy mentioned in the Secretary-General's report (A/50/332) was an obligation incumbent not only on Governments but also on the Commission which, had it taken prompt and timely action could have prevented certain massive human rights violations. She therefore called for the prevention of further abuses in China, Myanmar and Rwanda, among others, and expressed her organization's firm belief that the cause of human rights would be served in the next century if States and all members of the Commission, jointly and severally, exercised due diligence and complied with their obligations under the Charter of the United Nations.

62. Mr. SAHNI (International Institute for Non-Aligned Studies), noting that terrorism was the biggest threat to the enjoyment of human rights, said that a solution had proved elusive and that the problem had assumed dangerous dimensions. For that reason, maximum transparency was necessary in connection with counter-insurgency measures so as to provide an unbiased and impartial view of the situation. His organization therefore suggested that whenever the army was called upon to assist the civil authorities in the search for terrorists, as in Kashmir, local magistrates and NGOs should also be involved in order to allay misgivings regarding the conduct of security forces personnel, and to prevent the abuse of power.

63. Drawing attention to the incidence of State-sponsored terrorism in the Kashmir region, he said that Pakistan had been linked to many seemingly unrelated cases of terrorism and had become a sanctuary and training base for terrorists and mercenaries. Although the authorities claimed that they were unable to curb such activities, it could only be assumed that the continuing trade in arms and the freedom of action allowed the terrorists were sanctioned by the leaders of Pakistan in much the same way as they sanctioned the persecution of minorities.

64. He therefore urged the Commission to take strong action against States sponsoring terrorism and to find ways and means of assisting the victims.

65. Ms. INAYATULLAH (All Pakistan Women's Association) said that her organization had two proposals to make under agenda item 9. First, the administration of human rights must be depoliticized, for political expediency was unconscionable in the face of gross human rights violations such as those committed by the Indian military in occupied Jammu and Kashmir. Secondly, potential flashpoints could be defused through confidence-building measures, including, inter alia, the device of the Chairman's Statement. In the case of Kashmir, that would mean calling on India to refrain from holding yet another rigged election. Such an approach would be a welcome change from the usual flood of worthy pronouncements that were so seldom acted upon. It was also ironical that, at a time when the Commission was seeking alternative approaches to the promotion and protection of human rights, existing mechanisms were being applied selectively, so that State terrorism by India, the latest instance of which was the murder of Jalil Andrabi, Chairman of the Kashmiri Commission of Jurists, continued to escalate. Each new act of oppression by India would only strengthen Kashmiris' resolve to become a free people.

66. Ms. KEYHANI (International Association of Democratic Lawyers) said that, under the cloak of Islam, fundamentalism was threatening the achievements of the civilized world, and especially those of women. According to fundamentalists, the differing physical attributes of the sexes legitimized discrimination against women. In point of fact, however, the Qur'an made no difference between the responsibilities, duties and rights of men and women. The view that the male was superior and the female his slave had now been enshrined in Iranian law; yet it was imperative to distinguish between Islam and fundamentalism. The mullahs ruling Iran were the greatest enemies of Islam, a religion of mercy, peace and equality.

67. The CHAIRMAN said that the Commission had concluded its general debate on agenda items 9 and 17. It would thus begin its public consideration of agenda item 10 (a).

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued)

(E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150 and 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69 and 80; A/50/471, 567-569, 663, 734 and 767; A/50/894-S/1996/203)

68. Mr. TARRE MURZI (Venezuela) said that, with the end of the cold war, the greatest challenge facing the United Nations was the persistence of political 2feudalism, social injustice and colonialism. All too many Governments were trying to sustain their economies by applying ultra-capitalist and anti-democratic policies, and by upholding the most sordid profit motives.

69. Noting that the United Nations was facing a financial crisis following a loss of confidence on the part of some Member States, he suggested that one way of overcoming that crisis would be to review its programmes on human rights in colonial and dependent territories. Salutary reforms of United Nations bodies and specialized agencies were needed, particularly in the fields of economic development, social policy, public health, education and training. It was not simply a question of ensuring that annual contributions were paid; the entire structure, purpose and composition of those costly bureaucracies needed to be reformed if they were to avoid being discredited. Furthermore, they needed to acquire the necessary authority to ensure strict respect for international commitments vis-à-vis underdeveloped nations and colonial or dependent territories. The time had come to translate altruistic words into action.

70. Mr. SOTIROV (Bulgaria) said that his delegation associated itself with the joint statement of the European Union on agenda 10 to be delivered at a later stage. He would thus confine himself to a few issues of specific interest to his country.

71. Mere accession to the main human rights instruments was not enough to ensure their observance. The main cause of the gap between universal standards and their implementation lay in economic and social realities; civil, political, economic, social and cultural rights must thus be treated as an indivisible whole, particularly in regions suffering the socio-economic consequences of serious conflicts. In that regard, Bulgaria was closely monitoring the situation of human rights in the territory of the former Yugoslavia. Five Bulgarian experts were members of an Organization for Security and Cooperation in Europe (OSCE) mission to Bosnia and Herzegovina, currently preparing for the first free and democratic elections in that country. Bulgaria's Prime Minister had also invited the Foreign Ministers of south-eastern European countries to a meeting in Sofia, as a first step in a comprehensive process of multilateral cooperation to promote the peace process in Bosnia. The commendable efforts of the Special Rapporteur on that question would be assisted by the expressed readiness of the authorities to grant her free access to the entire territory of the Federal Republic of Yugoslavia (Serbia and Montenegro).

72. His delegation welcomed the Special Rapporteur's intention to visit the area of Serbia inhabited by the Bulgarian national minority, which must be permitted unrestricted expression of its ethnic identity. Bulgaria had been seeking to solve issues of concern through various bilateral initiatives. Although more positive signs of an improvement would be welcome, the goodwill that had prevailed during recent high-level contacts with the Yugoslav authorities should facilitate the quest for full enjoyment by the Bulgarian minority of its constitutional rights, particularly its linguistic rights. Bulgaria's impartial and balanced position vis-à-vis the Yugoslav conflict was proof of its will to build stable and good neighbourly relations with the Federal Republic of Yugoslavia (Serbia and Montenegro).

73. Mr. ROSSI (International Association for Religious Freedom) said that human rights were flagrantly and systematically violated in Saudi Arabia, an absolute monarchy without a Constitution, where political parties and trade unions did not exist. Freedom of opinion and expression was restricted by law

and all non-traditional forms of artistic expression were censored or banned. Arbitrary arrests and torture were a frequent occurrence, trials were seldom public and female domestic workers endured conditions of near-slavery. Women had different legal rights, and were not permitted to appear in public unless accompanied by a male relative. Public worship by persons professing religions other than Islam was prohibited, and apostasy was punishable by death. That deplorable yet well-known situation had persisted for decades. The Commission should give public consideration to human rights violations in Saudi Arabia, before taking whatever steps proved necessary to counter them.

74. Mr. H.K. SINGH (India), speaking in exercise of the right of reply, said that India enjoyed ties of friendship and cooperation with 51 member States of the Organization of the Islamic Conference (OIC), and therefore regretted that OIC continued to allow itself to be used to reflect a one-sided and partisan view at the prompting of one of its members. India totally rejected the allegations made in OIC's statement, which could only encourage externally-inspired extremism and terrorism. India was aware that that statement did not represent the views of the majority of OIC members, and hoped that it would henceforth refrain from making unwarranted references to a country which was home to the second largest Muslim population in the world and in which Muslims were valued and equal participants in all aspects of national life.

75. India's people put their faith in elections, for people's representatives could not be self-appointed or designated by foreign countries. India's eleventh general elections, to commence on 27 April, would mark the resumption of the process of returning Jammu and Kashmir to democratic governance. If its neighbour was genuinely interested in the welfare of Kashmiris, it should welcome those elections. It was high time that that neighbour paid heed to allegations of human rights violations in and by its own State.

76. Mr. YIMER (Ethiopia), speaking in exercise of the right of reply, said that the representative of the International Movement for Fraternal Union Among Races and Peoples had deliberately distorted the true human rights situation in Ethiopia. His Government had had nothing to do with the disagreement within the leadership of the Confederation of Ethiopian Trade Unions, and had merely taken the steps incumbent upon it. As for the Teachers' Association and the University, both those organizations were performing their normal functions. The allegations that habeas corpus had been suspended and that there had been extrajudicial killings were merely politically motivated accusations. Moreover, the warning that ethnic, religious and political tensions were building up in Ethiopia was wishful thinking on the part of the speaker: the reality was that the Ethiopian peoples were enjoying peace and stability for the first time in more than three decades.

77. His delegation wished to make it clear that the so-called representative who had spoken on behalf of the NGO in question was in fact the head of a political organization which called itself the "Ethiopian Human Rights Council" and which masqueraded as a human rights organization. It was

regrettable that the NGO in question, which had no independent knowledge of the human rights situation in Ethiopia, had allowed its name to be used by a political organization, an action that bordered on abuse of its consultative status.

78. Mr. Masood KHAN (Pakistan), speaking in exercise of the right of reply, said that he failed to understand the Indian representative's consternation: the Pakistan delegation had merely provided detailed reasons substantiating its belief that India's election process was fraudulent, and pointed out that India's Human Rights Commission was not independent. He invited members of the Commission to meditate briefly on the last moments of Mr. Jalil Andrabi, who had spoken for the people of Kashmir at the previous session of the Sub-Commission, and who now had been brutally killed by the Indian forces for the crime of freedom of thought. That was what happened to human rights defenders in Kashmir.

The meeting rose at 9.05 p.m.

Annex

List of non-governmental organizations associated with the statement by Ms. Farhi (International Council of Jewish Women).

Category I

International Abolitionist Federation
International Alliance of Women - Equal Rights, Equal Responsibilities
International Council of Women
Women's International Democratic Federation
World Federation of Trade Unions
World Federation of United Nations Associations
World Veterans Federation
Zonta International

Category II

African Association of Education for Development
All India Women's Conference
Education International
General Arab Women Federation
International Association of Democratic Lawyers
International Association of Penal Law
International Council of Jewish Women
International Federation of Resistance Movements
International League for the Rights and Liberation of Peoples
International Movement for Fraternal Union among Races and Peoples
International Organization for the Elimination of all Forms of Racial Discrimination
Lutheran World Federation
Pax Romana
Socialist International Women
Women's International League for Peace and Freedom
Women's World Summit Foundation
World Alliance of YMCAs
World Association of Girl Guides and Girl Scouts
World Federation for Mental Health
World Federation of Methodist Women
World Jewish Congress
World Union of Catholic Women's Organizations

Roster

International Movements against All Forms of Racism and Racial Discrimination
Movement against Racism and for Friendship among Peoples